# Gerontology and the Law: A Selected Bibliography

*By Jill Mubarak, Diane Sapienza and Robert Shimane*

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Gerontology and the Law: A Selected Bibliography*

PREFACE

Compiled by
Jill Mubarak, Diane Sapienza and Robert Shimane**

The Asa V. Call Law Library Bibliography series, in which this bibliography was originally published, serves the research needs of the Law Center faculty at the University of Southern California. When a faculty member embarks on a new search project he or she often requests a special subject bibliography on the topic under investigation and a tailor-made bibliography, designed to meet the professor's request, is produced. In consultation with a librarian, the faculty member usually specifies: the dates of coverage; the languages to be included or excluded; the formats to be included or emphasized; the jurisdictional limits of the final work; the way in which the final work will be organized and any other aspect which will make the final work especially helpful to the requesting faculty member. In this instance the searchers were instructed to examine the legal and the social science literature to determine what had been written on the special social problems of the aged which would have an impact on law. We selected only English language publications; however, we did include works about gerontology in foreign countries if they were written in English.

The bibliography is divided into two parts: part one contains works focusing upon gerontology and law-related issues in the United States and part two contains a treatment of the legal issues of gerontology in foreign countries. Comparative works, publications discussing or comparing two or more countries, are included in part two. The nine subdivisions within these two parts reveal the special areas on which the compilers concentrated their search.

This bibliography includes citations contained in indexes which were available through November 1979. The bibliography goes back to the time when this literature first appeared, approximately 1960.

The following sources were consulted during the compilation of this Bibliography:
Asa V. Call Law Library card catalog
Books in Print
California State Publications
Congressional Information Service

* Ed. Note: As indicated, this bibliography was originally compiled in June 1979 and was issued as No. 85 of the Asa V. Call Law Library Bibliography Series (University of Southern California Law Center). Because of the timeliness and significance of the subject matter, the authors agreed to update it for publication in this Journal.

** Ms. Mubarek is Reference Librarian at the University of Southern California Law Library; Ms. Sapienza is Librarian at Kadison, Pfalzner, Woodard, Quinn and Rossi, both of Los Angeles. Mr. Shimane, former Reference/Media Librarian at the USC Law Library, is a law student at the University of Santa Clara Law School. The compilers wish to express their gratitude to Misao Okino whose dedication to this project is revealed in the quality of the finished product.
Council of Planning Libraries, Exchange Bibliographies
Ethel Percy Andrus Gerontology Center Library card catalog
Humanities Index
Index to Legal Periodicals
Journal of Gerontology
Public Affairs Information Service Bulletin
Social Science and Humanities Index
Social Science Index

For U.S. Congressional Documents appearing before 1977 we relied upon the coverage provided in: Harootyan, Robert A., *Annotated Index of Federal Legislation Impacting on the Elderly*, published by the Social Policy Laboratory of Andrus Gerontology Center, University of Southern California. Publications subsequent to the date of this Bibliography are listed under several headings in the bibliographical section of each issue of the *Journal of Gerontology*.
Gerontology & Law Bibliography

Introduction:
Themes and Issues in Gerontology and Law

By Martin Levine*

The publication in this issue of Law Library Journal of "Gerontology and Law: A Selected Bibliography" recognizes a new field in the law as deserving of attention. The dimensions of that field will be briefly explored.

The field of Gerontology and Law may be defined as the study of the legal problems specific to the elderly, or having high impact on them. In our era, Gerontology and Law has a special focus: the legal system's response to the changes in the nation's age composition.

The Graying of America

The underlying changes in the nation's demographic profile are dramatic. The number of Americans more than 65 years old has increased from under 5 million in 1900 to about 32 million by 1975. During the same three-quarters of a century, the percentage of the elderly in the population has increased from about 4 percent to 10.5 percent. Projections for the future are that the percentage will continue to increase for about fifty years before peaking. The increase which already has occurred is unprecedented in the history of the world.

The legal system has already responded in noticeable ways to the problems of the elderly. There are over sixty Federal statutes dealing with the elderly, as well as a large body of state law. By one estimate, perhaps high,
more than thirty percent of the Federal budget—over $150 million in 1975—is spent on programs for the elderly.4 A Federal bureau, the Administration on Aging, has been created to take a coordinating role in the field;5 there have been two White House Conferences on Aging6 and a third is in the offing.7 A Federal statute, the Older Americans Act, declares national objectives8 and creates a variety of programs.

There is widespread interest in the field. One list of persons, agencies and groups in the public sector professionally involved enough in Law and Aging to receive a weekly newsletter numbers over 7,000;9 private sector lawyers and groups should be added to that figure. A coalition of 115 organizations, including the AFL-CIO and church groups, were concerned enough about proposed budget cuts in the Social Security system to organize on behalf of the interests of the elderly.10 There are several major professional organizations in the area, including the Gerontological Society and the National Council on Aging; the largest membership organizations are the National Retired Teachers Association/American Association for Retired Persons (over 8 million members in about 4,000 local organizations) and the National Council of Senior Citizens (over 3.5 million members in about 3,000 organizations). A large and growing body of gerontological research exists.11

THE SCOPE OF GERONTOLOGY AND LAW

Much of the work in the field of gerontology and law concerns programs which are designed to meet the needs of the elderly through maintenance of adequate income, either by employment or in retirement, or through provision of specific in-kind goods and services, of which health and mental health services are most significant.

Income Maintenance. The fundamental need of the elderly is income.12 If an older person is excluded from employment opportunities and if public and private sources provide an inadequate replacement ratio for lost wages, then even persons who previously were well off may find themselves, for the first time in their lives,13 plunged into poverty. Of those dissatisfied with the quality of retired life, two out of three blame that on financial problems.14

Samuelson, Busting the U. S. Budget — The Cost of an Aging America, 10 Natl J. 256 (1978).
12 42 U.S. § 3001.
13 The NSCLC Washington Weekly.
If, on the other hand, adequate income is assured for older persons, they may be able to provide for all or most of their needs themselves: health care, transportation, housing, nutrition, protection against crime, social participation and a generally higher quality of life. As one statement coming from the 1971 White House Conference on Aging put it, "Only when their incomes are adequate and secure can the aged be expected to lead meaningful, self-respecting and independent lives."

Earnings constitute the dominant income source for almost half of the elderly. Federal law and statutes in most states help assure employment opportunities for the elderly by prohibiting age discrimination. The Age Discrimination in Employment Act Amendments of 1978 prohibit, for larger employers, the familiar custom of mandatory retirement at 65.

For those who do retire, public programs provide the major fraction of the replacement ratio for lost wages. Two major Federal programs operate as cash transfers from those working to those currently retired. Social Security through its Old Age, Survivors and Disability Insurance, operates on a theory of "social insurance" which is a hybrid of true annuity and welfare. It paid out $64 billion in 1975. It is the major source of income for most retired persons. Fundamental legislative questions concerning the Social Security system include whether or not the system can continue to be financed by the present regressive wage tax, whether benefits will or will not continue to be increased to match inflation and whether the transfer and insurance aspects of the system should or should not be separated into two programs, so that only the poor will receive subsidies and so that the nonpoor will receive the actuarial equivalent of their own contributions.

Supplemental Security Income (SSI), established in 1972 to replace the former separate programs for the Aged, Blind and Disabled, operates on a "public assistance" or "welfare" theory. It paid out about $5 billion in 1975. SSI is received by about eleven percent of the elderly. Its problems are said to include administrative inefficiency, inadequate benefit levels and the low rate of utilization by eligible persons.

There are also major Federal pension and quasipension systems: the largest are the Civil Service Retirement, Railroad Retirement and Veteran's Administration pension and compensation programs. Federal civilian retirement systems paid out about $10 billion in 1975 and veterans' payments were about $7 billion. One of the problems with the V.A. programs is the limited judicial review available.

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19 6 White House Conference on Aging, SECTION RECOMMENDATIONS ON INCOME, WITH RELATED RECOMMENDATIONS FROM OTHER SECTIONS AND SPECIAL CONCERNS SECTIONS 12 (1971).
20 U. S. Senate, A REPORT OF THE SPECIAL COMMITTEE ON AGING 77 (1976).
21 Id.
23 See M. Daum, RECENT DEVELOPMENTS ON THE ECONOMICS OF AGING: THEIR IMPACT ON THE ELDERLY IN NEW YORK CITY (1975).
The vast numbers of private pension plans are subject to legal regulation. Taft-Hartley Act provisions were formerly most significant; the Securities Acts have now been ruled inapplicable and the field is now primarily regulated by the complex provisions of the Employment Retirement Income Security Act of 1974. Before ERISA, the private pension system had been deemed a major scandal because of the low likelihood of a worker receiving any substantial pension for his contributions. Even since ERISA, problems remain: as many as half of private non-Government workers have no pension plans, those who do have pensions suffer from the effects of continuing inflation and there is generally poor coverage for widows after the death of their employed husbands.

The most common characteristic shared by the elderly is home ownership. With inflation, older home owners would be liable for increased property tax payments at a time when their cash income is substantially reduced. Property tax relief for the elderly is therefore provided by many states.

In addition, income tax relief for the elderly is provided by Federal law and by many state laws and rate and fee reductions are also common.

On a more global scale, antiinflation measures may be the most significant single set of measures to safeguard the economic independence of elderly individuals. More than four out of every ten retirees believe that inflation has "seriously reduced" their standard of living and it has been said that "The greatest destroyer of old-age security is inflation."

Physical and Mental Health. Because the aged, particularly the "old old," do have increased incidence of health problems, the provision of physical and mental health care is of special importance. Health programs are the most significant "in-kind" (noncash) programs for the elderly. Medicare is the major such program operated on a social insurance theory; it paid out $14 billion in benefits in 1975. Part A of Medicare, financed by a payroll tax, provides hospital insurance for acute care; Part B provides physician coverage, paid for by a monthly premium and government payment. The major program operated on a public assistance theory in Medicaid, which paid out about $7 billion in 1975. Medical needs not covered by the Federal programs may be voluntarily covered through private supplemental health insurance, sometimes called "Medi-Gap." One estimate is that the aged are defrauded of $1 billion annually in premiums for unnecessary or ineffective health insurance.

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25 See e.g., Castello v. Gamache, 8 Cir., No. 78-1755.
29 See COHEN, supra note 1.
30 L. HARRIS & ASSOC., supra note 18, at vii.
33 See Resident v. Emmanuel Family Training Center, N.D. Ohio, No. C-78-477; Dilmore v. Stubbs, S.D. Miss., No. 77-9174.
Many of the aged live and receive treatment in nursing homes. Often such homes provide insufficient care which, in extreme cases, causes unnecessary deaths. Involuntary transfer of aged persons from one home to another, because an operator finds the patient unprofitable, can produce serious trauma and has repeatedly been legally challenged. Patients in nursing homes are sometimes denied Government benefit payments because, without their knowledge, they were placed in wings of the homes which were not Governmentally certified; the issues thus arising have been frequently litigated. The right of persons in nursing homes to receive necessary medical treatment is another recurring issue.

Much research and litigation is devoted to efforts to enable elderly individuals to maintain independent life styles outside institutions. Many existing legal and social practices promote the placing of older persons in nursing homes or state mental hospitals. Common statutes authorize civil commitment or guardianship on grounds of senility. A variety of legal theories have been developed to promote alternatives to institutionalization, such as a theory of the right to the least restrictive environment.

Outline of Major Topics

In addition to the income and health topics discussed above, several other topics have already generated bodies of literature or caselaw, legislation or government programs.

I. The major substantive topics in Gerontology and Law can be briefly outlined

A) Income maintenance.
   (1) Employment, mandatory retirement and age discrimination in employment.
   (3) Civil Service, Railroad Retirement and other public pensions; private pensions and their regulation by the government; veterans' benefits.
   (4) Income tax relief (special treatment of the elderly, of pensions, government benefits, and capital gains); property tax relief; rate and fee reductions.
   (5) The law of wills, trusts and probate; estate and inheritance taxation; estate planning for benefit eligibility and pension rights.

B) Basic goods and services: Health and mental health.
   (1) Medicare, Medicaid, private supplemental health insurance.

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HeinOnline -- 73 Law Libr. J. 263 1980
(2) Nursing homes, supportive services, alternatives to institutionalization.
(3) "Natural death" laws.
(4) Guardians, conservators, "representative payees," public guardian offices, civil commitment.

C) Basic goods and services other than health.
(1) Housing.
(2) Social Services.
(3) Transportation.
(4) Energy.
(5) Nutrition.
(6) Legal services, access to justice.

D) Protection against victimization.
(1) Violent crime and the fear of crime.
(2) Consumer fraud.
(3) Age discrimination in society and in government programs.

II. Other topics may be identified by criteria cutting across substantive legal topics.43

A) Subgroups of the elderly which have unique physical characteristics or social position and have their own legal problems include: women, minorities ("doubly discriminated against"), the handicapped, the mentally incompetent, the elderly employed and those over 75 (the "old old").

B) Interdisciplinary research useful for Gerontology and Law involves such other disciplines as economics, psychology and psychiatry, history, politics, sociology, medicine, biology, biotechnology and ethics.

C) Research strategies42 for Gerontology and Law which have been suggested include: the analysis of the legal institutions which seek to resolve some particular problem of the elderly, e.g., private pension reform; analysis of the impact on the elderly of other specific laws, e.g., the local property tax; comparative research involving the laws of different states or nations dealing with the same topic; research comparing legal techniques of different substantive fields, e.g., comparing securities regulation with the regulation of health and welfare institutions.

Current legal issues

Another way in which to get an idea to work in the field is by listing those issues which currently occupy litigators and lobbyists.44 Listed below are a representative sample of currently important legal issues in Gerontology and Law:44

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44 See Cohen, supra note 1.
43 See generally the Activity Reports of the National Senior Citizens Law Center, Inc., for 1979.
I. Attempts to improve the fairness of administrative adjudication in benefit programs by requiring prior notice and oral hearing, decision within a set time limit, opportunity to reopen prior decisions, a hearing even for claims small in amount (which may be important to a class), expanding the scope of judicial review of administrative determinations.

II. Challenges to eligibility criteria for benefit programs, including inconsistent eligibility levels and specific rules for "deeming" the income of another available to the recipient, calculation of the value of in-kind income, exempting certain assets and determining whether transferred income or assets are counted as the beneficiary's.

III. Regulating the interaction of different government and pension benefits, including whether or not certain benefits are countable as income in determining eligibility or benefit level for other programs, whether or not a recipient can waive one benefit if its receipt would disqualify him from a more valuable benefit and what procedure must be used by the Government in offsetting unrelated Government claims against benefit payments or in recouping related overpayments.

IV. Securing adequate funding levels for programs and determining the appropriate level of benefits for individuals, including consideration of caps or ceilings on payments.

V. Dealing with the special problems of women, including crediting work done in the home, considering claims of divorced spouses in community property states for a share in the wage earners Federal or private pension, protecting widows' pension rights and securing "dual benefits" when both husband and wife were wage-earners.

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46 Cockrum v. Califano, D.D.C., No. 78-1147; Ferguson v. Matthews, C.D.Cal., No. CV 75-2620-RF.


50 Ross v. Califano, C.D.Cal., No. 77-2245 (G); Wynn v. Califano, W.D. Tenn., No. 78-2151.

51 Dawson v. Beach, C.D.Cal., No. 78-2350 MML (Sx); Fabula v. Solomon, 598 F.2d 869 (D.Md. 1975); Robinson v. Pratt, D.M.Mass., No. 79-1278.


57 Gebbie v. Chamberlain, C.D.Cal., No. CV 78-1030 appeal pending, 7th Cir.

VI. Determining the retroactivity of favorable changes in the caselaw or regulations of benefit programs.

BASIC THEMES

Underlying the diverse topics and specific current issues which have been outlined, a number of themes can be identified which raise questions fundamental to Gerontology and Law. Among these themes are: Can the nation “afford” the increasing number of retired persons? Is it legitimate for the law to deal with older persons in terms of their age or does such a practice constitute age discriminations? Is it possible to provide older persons with autonomous, independent lifestyles comparable to those enjoyed by them throughout their adult years? How should Government programs for the aged be organized and financed?

Can we afford the elderly?

The percentage of the elderly in the population is expected to continue to increase, from 10.5 percent in 1975 to perhaps as much as 17 percent within fifty years. If the current distribution of education, work and leisure throughout the life span continues, the increase in percentage of the elderly would substantially worsen the “dependency ratio” of dependent elders to producers. Under current patterns, elderly dependents are primarily supported by federal expenditures paid out of national taxes. One estimate is that in 1960 thirty percent of the Federal budget went to support programs for older people; by 2025 the figure may be forty percent. Especially in light of the economic changes caused by higher energy costs, some have questioned whether the country can afford the projected costs of a higher dependency ratio.

The increase in percentage of the old will, however, occur simultaneously with a decrease in the percentage of children and youth. Not only in percentages but also in absolute numbers, the increase in those over 65 will be roughly balanced by the decrease in numbers of those under 18. The total dependency ratio for the nation, as we currently define it, will thus not change appreciably. Moreover, it costs roughly the same to support a person during the years of dependent youth as during the years of dependent retirement. Thus, the total social burden would not change substantially.

Since dependent youths are, however, primarily supported by their families and by local expenditures on schooling, while the aged receive primarily federal support, the trend would suggest nevertheless a need to shift more tax revenues from local units of government to the Federal government.

The assumptions on which these projections are based may, moreover, need modification. There may well be a trend to later retirement, thus changing favorably the dependency ratio. Already, half of all employees say they

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60 See Clark, Krep & Spengler, supra note 40.
61 L. HARRIS & ASSOC., supra note 18, at ix.
would like to continue to work after age sixty-five. With changes in law and in social expectations, more people may choose to work longer. The Age Discrimination in Employment Act Amendments of 1978 now prohibit mandatory retirement below age 70 for roughly half of the nation's employees and there is widespread support in public opinion for total abolition of involuntary retirement. The current expectations that persons in midlife work and those who are older are retired may change: there may develop more flexible patterns of work, leisure and education throughout the life span—such as a custom of sabbatical leaves in industry. Moreover, transfer payments and benefits now restricted to retired persons, and available to all such persons, may be reallocated on some other basis. If such changes do occur, the ratio of those 18-65 to those over 65 will no longer appropriately be deemed a "dependency" ratio.

Functional age and age discrimination

The concepts of legal age, chronological age, functional age and age discrimination interrelate to define another basic theme of the field. Traditionally, the law has taken account of age and chronological age was the only version of age conceivable to the law. Thus old age has been a status which the law has taken into account for certain purposes. Old age does seem to qualify in many ways as defining a social status: it is involuntary, irreversible, visible, not confined to specific social roles and significant socially and culturally. Other such social statuses have been significant legally. This use of old age may be compared to the law's utilization of the status of infancy or minority, as well as its use of nonage-related statuses like those of being a veteran or a married person.

Maine suggested that the history of legal development shows a trend from status to contract, i.e., to treating people as individuals rather than in terms of their status. Such a trend would suggest a decline in age-associated legal benefits as well as detriments. In contradiction of Maine's thesis, however, other writers have suggested that the progress of the law reveals a cycle back to status. It is not that the old medieval order of stable custom has returned, rather that the modern state assigns a number of government benefits and regulatory burdens in terms of social category or status. While legal utilization of some statuses—such as race and religion—have been legally regarded

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63 L. HARRIS & ASSOC., supra note 18.
64 Morris, Flexible Distribution of Work, Leisure and Education: Potentials for the Aging, in B. HERZOG, ED., supra note 57, at 95.
66 H. MAINE, ANCIENT LAW (1861).
69 See, Cain, supra note 65.
as presumptively discrimination, use of other statuses has been embraced by
the law.

May the law use age as a determinant of rights and liabilities? Some
theorists suggest the law must be "age-blind" as well as "color-blind." Other
theorists have suggested that it is not necessary that the law itself be age-
blind and require others to be so also, but that the law should rather recognize
a person's functional age, individually determined for role and person, or
even perhaps an age calculated in terms of number of years of life expectancy
remaining.

Differential treatment of the elderly, particularly mandatory retirement,
does bear many of the indicators usually associated with the concept of
discrimination: a significant deprivation is inflicted on a status group based on
stereotypes of the group, with little regard to the factual basis for the
stereotype nor for its applicability to any given individual. On the other hand,
age discrimination is in many ways different from the type of discrimination
with which the law is familiar. Mandatory differential treatment of the old is
predominant in a single area, employment. Negative stereotyping of the old is
combined with simultaneous honorific characterizations. Every individual in
society may one day be old and the members of the current majority generally
expect that they will one day achieve that status. After considering
similarities and dissimilarities between treatment of the old and treatment of
other minorities, many legislatures have enacted statutes employing the con-
cept of age discrimination, while the courts have refused to recognize age
discrimination for constitutional purposes.

There is an inconsistency in some of the literature in Gerontology and
Law: many reject the use of chronological age as an automatic trigger for man-
datory retirement, yet accept the use of chronological age as the basis for
distribution of benefits. The elderly, like Blacks and women, while denouncing
discrimination when it affects them adversely, may seek reasons to accept it
when they are its beneficiaries.

There are theories of justice on which the aged as such may claim certain
benefits or rights, while still denouncing discrimination. Because of a lifetime
of contribution to society, the aged as a group may have special deserts in
particular, having made Social Security contributions throughout a career,
they may well claim to have earned or paid for the promised benefits; those
aged who are infirm or forced to retire have a special need and once certain
benefit schemes are established, it may be unfair not to give a benefit to in-
dividual aged persons who have formed reasonable expectation. Such conten-
tions have thus far received a poor reception in the courts but a better one in
legislatures.

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79 See generally, Massachusetts Board of Retirement v. Murgia, 427 U.S. 307 (1976); Vance v.


75 See Levine, 'Age Discrimination' as a Legal Concept for Analyzing Age Age-Work Issues,

76 See generally, e.g., B. BRUDNO, INCOME REDISTRIBUTION THEORIES AND PROGRAMS (1977); A.
BERNEY, J. GOLDBERG, J. DOOLEY & D. CARROLL, LEGAL PROBLEMS OF THE POOR, ch. 7 (1975); works
cited note 22, supra.
Government benefit programs for the aged

Still another theme important for Gerontology and Law concerns the basic choices underlying the Federal benefit programs for the elderly and similar government programs. Should benefits be in the form of direct cash transfers, spendable by the recipients as they wish, or in-kind transfers, targeted to the needs intended by those paying the bills. Should benefits be tied to a means test, so that resources are not diluted among the nonpoor or distributed to a broader category providing a wider political base for the program. Should benefits be regarded as “vested” or “property” or “rights,” thus promoting autonomy, protection of expectations and pride or should they be regarded as privileges or gratuities, thus insuring flexibility to meet changing social needs. Should programs be nationally uniform, guaranteeing minimum levels everywhere and preventing lower benefits in some states, or should programs be designed by each state with more local control. Should Federal benefit programs be financed through general revenue or by special taxes on those with a logical connection to the recipients, such as working people. Should benefits be distributed through narrowly-targeted “categorical” programs or through broader programs? Such questions as to the underlying philosophy of the massive programs for the elderly continue to be raised as part of both the scholarly and the political agenda.

Autonomy of the elderly

Much of the effort in Gerontology and Law can be understood as attempts to enable elderly individuals to maintain independent, autonomous lifestyles, outside institutions. A variety of laws provide for exercising control over the lives of elderly through the legal forms of civil commitment, guardians, conservators and “representative payees” for Government benefits. Existing social practices may likewise promote the placing of older persons in nursing homes or state mental hospitals.

Alongside the legal theories justifying intervention to protect the elderly, have grown up rival legal theories emphasizing “appropriate risk tasking, preservation of mastery, and maintenance of civil rights.” The autonomy of older persons may also be served by income maintenance strategies which promote economic independence. And the provision of certain social services may facilitate the aged person’s access to other social resources so as to help maintain an autonomous lifestyle. Transportation, inhome supportive services and legal services, can all serve this “leverage” function. A variety of efforts within the field may thus be understood in terms of this underlying theme of autonomy.

AGING AND THE LEGAL RESEARCH TRADITION

Most legal research is carried out in the law schools. Gerontology and Law is absent from the standard lists of law school subjects and only a handful of

77 See works cited supra note 36.
79 See generally C. Langdell, Cases on Contracts viii-ix (1971); A Sutherland, The Law at Harvard 177 (1907); J. Redlich, The Common Law and the Case Method in American University Law Schools 9 (1914).
Nevertheless, the Bibliography appearing in this issue of the Law Library Journal demonstrates that there is much more research being undertaken in Gerontology and Law than is generally realized.

The roles of the law library

The Bibliography also demonstrates how the law library remains at the core of legal scholarship, as the nature of that scholarship changes. The Bibliography has intellectual roots in each of the major eras of legal education which contribute to contemporary scholarship. When the first modern American law school was founded a century ago, at Harvard under Christopher Columbus Langdell, the law library was deemed the heart of the school. A Bibliography such as this continues that preeminence of the library but broadens the scope of its concern beyond Langdell's analysis of appellate cases and distillation of common law principles. In the great functionalist reform of half a century ago, typified by Columbia under Dean Stone, scholars turned to the social problems with which the law deals, to legislation and to interdisciplinary research. The Bibliography is a living part of that tradition but goes beyond it in its definition of subject matter. In our own day, law schools pay enhanced attention to those aspects of law affecting ordinary people, such as the legal problems of defendants, minorities, the poor and women. The Bibliography in Gerontology and Law similarly typifies the concern of much contemporary legal scholarship for ordinary people's concerns.

Interdisciplinary research at USC

The Asa V. Call Law Library at the University of Southern California is a natural source of this Bibliography. The Ethel Percy Andrus Gerontology Center and Leonard Davis School of Gerontology mark USC as a world leader in the field of aging. The U.S.C. Law Center has cooperative programs with the Gerontology Center and has served as the founding base for the National Senior Citizens Law Center. Indeed, in the last fifteen years, the school has become noted for its interdisciplinary work. The publication of this Bibliography marks a new stage in Law and Aging activities at the University of Southern California. Simultaneously, U.S.C.'s curriculum has been expanded to include a regular law school course in Law

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82 Cohen, supra note 1.
83 See Reisman, supra note 81; also Some Observations on Legal Education, 1978 Wis. L. Rev. 63.
and Aging, combining classroom work with options for research and supervised clinical work. These and other Law and Aging research and demonstration projects have been made possible by a sizable endowment, established by a foundation affiliated with a public-spirited American corporation which has requested omission of the usual public recognition.

The Bibliography was prepared at my request by members of the professional staff of the Asa V. Call Law Library at the University of Southern California. The preparation of this Bibliography reflects the policy of the Asa V. Call Law Library to take as its primary goal the facilitation of research by members of the university community and colleagues elsewhere.

It may be that future researchers will look back on this effort as making the transition from the previous “sparse” research efforts, to more wide-ranging activity in the field of Gerontology and Law.

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